ROOSEVELT AND CONLIN BEFORE THE INQUIRING SENATORS.

Otty Magistrates Blamed for Dismissing Cases-Roosevelt Says the Law Has Largely Takes the Saloon Out of Polltics - Suggesting Amendments - Pather Doyle Says Drunkenness Has Increased

The special committee of the State Senate which is investigating the workings of the Raines liquor tax law in this city had President Roosevelt of the Police Board and Chief Conlin as its chief witnesses yesterday. Mr. Rousevelt came in smiling and took a seat directly opposite Senator Raines at the long table used by the committee. Senator Raines made some facetious remark about the cartoons of himself which no had seen in the afternoon representatives of the new journalism.

"The most unpleasant thing I am ever told," said Mr. Roosevelt, "is that somebody has recognized me from my picture in a paper." Senator Raines superintended solicitously the

deposition of Mr. Roosevelt's hat and overcont on a table near by, and proceeded to administe the affirmation as to the truth, and nothing but the truth, while Mr. Roosevelt held up his right hand and nodded acquiescence. Then Senator Raines settled back in his chair and began the

When you took office what state of affairs did you find as to the enforcement of the old

"I found that it was enforced very partially and, as we had reason to believe, very corruptly. The matter was first brought to my attention by complaints which were made continually shat So-and-So was allowed to sell on Sunday, while the complainant was compelled to close up. The complainant usually added that he had voted the 'reform' ticket and wanted the same same privilege as the Tammany men. I went around and investigated some of these cases myself and others were investigated by my subordinates. In many cases the accusation was found to be true. I told the complainants that, although they would not be permitted to keep open on Sunday, there would be no discrimination in favor of the others. After a time so many cases had been brought to my attention that I spoke to the Chief about it."

Q.—Did you meet with a reasonable degree of success in enforcing the old liw? A.—Yes, I think so. The result was a large reduction in the number of arrests for violation of the law and for drunkenness on Sunday.

Q.—What happened when the present law first went into effect? A.—It made a distinct improvement.

Q.—Have you lately observed a tendency in The matter was first brought to my attention

Q.—Have you lately observed a tendency in Q.—Have you lately observed a tendency in the opposite direction? A.—After the law had been in force a month, and had been construed by the courts, there was a very distinct sagging back. I am not prepared to say, however, that we have sot back to the state of affairs which existed when we took office.

Q.—To what would you attribute this sagging back? A.—Partiv to defects in the law; but especially because the juries, even more than the Magiatrates, seem reluctant to convict or even to indict.

even to indict.

Q.—What are the defects that need remedying? A.—The special defect that causes the most trouble is the lack of the strict definition of the word "meal." It should be so limited as

of the word "meal." It should be so limited as to prevent any court from construing that an egg or a sandwich constitutes a meal. If it were construed according to my personal conception of the meaning of the word, many of our difficulties would not exist.

Q.—Would you also suggest a sharp definition of the word "guest?" A.—I should, and also of the word "hotel." There again if the courts took what would seem the obviously proper view, we would be spared many difficulties. There should be some provision regarding the size of the rooms and their condition for the reception of guests; and also for peculiar power to be exercised by the special agents in inspecting the hotels.

respitant of generic and also for possible possible to be exercised by the special agents in impacting the hotels.

President was apparently clear evidence of violation of the law, but which were dismissed by the and addresses in each case. He also asked for the heads of the department, of the possible to the consideration of the law apparently clear evidence of violation of the law apparently clear that is hotel shall have ten bedrooms. An other in which there were but five bedrooms another in which the polices of the new law requiring the interior which he considered plain cases of violation of the new law requiring the interior which he considered plain cases of violation of the new law requiring the interior which he considered plain cases of violation of the new law requiring the interior which he considered plain cases of violation of the new law requiring the interior which he considered plain cases of violation of the new law required for the new to be exercised by the special agents in inspect-ing the hotels.

President Roosevelt then read from memo-

out hotel licenses.
"I want to say," continued Mr. Rossevelt with emphasis, "that there are two most admirable provisions in this law now. One is that requiring that the shutter; be thrown open durations of the continue of mirable provisions in this law now. One is that requiring that the shutter; be thrown open during the hours of prohibition, so that the police can look in; the other is the high license. From the police standpoint the first more than offsets any defect in the law. On the other hand, the severe penalities in the law, I think, are responsible for the hesitancy of jur ors to convict."

Senator Raines asked if any difficulty hall been experienced because of stalls or private compartments in saloons. Mr. Roosevelt replied that they were not consuctive to decency or morality, but that there was a legitimate desire for them by persons who sought privacy for conversation. He thought the trouble could be obviated by requiring the time of portlers or glass partitions instead of beard ones.

"When the law was enamed," he replied, "my feeling was that it applied to all clubs; but the courts decided that we could not interfere with cinbs. I would suggest that you look up a raid made by Capt. Vredenburgh on a club room, admission to which could be gained merely by buying a ten-cent licket, both sexes being admitted. All the prisoners were discharged. Personally, I regretted that you included bonn fide clubs in the law and expected that I would have to go for I bem, and that another burden would be added to my not too great popularity."

"What?" cried Senator Filgrins of Olean.

"Bo you think there should be a distinction among clubs."

"What?" cried Senator Fliguins of Olean.
"Do you think there should be a distinction

"Do you think there should be a distinction among citbs?"

"Yes; a distinction between clubs that are bona fide and those that are not. I have felt that where a club was not organized for the express purpose of selling liques, it would be inadvisable to require us to interfore.

By Senator Raines—isn't that idea based on the theory that a club is 10 some sense the home of the members and isn't that also the idea regarding a hotel and its juouss; A.—Certainly.

tainly.
Q.—Eliminate that reason and there is no other reason for exempting either? A.—Not a par-At this point Senator Foley, the Tammany member, injected a little polities into the discussion by asking if Mr. Roosevelt thought it was right that one-third the exciso receipts should be taken away from the rity.

Mr. Roosevelt—I haven't thought of that enough to say off-hand.

Senator Raines (glaring at Foloy)—Suppose it were shown that it all came back in reduced taxation.

tation. dr. Hossevelt-Pray don't make me an expert Mir. Rossevelt.—Fray don't make me an expert in this matter,
Senator Foley (to Raines)—If that's so, why do you go to the trouble of taking it away and giving it back again. Why not leave it here? We'll take care of it.

"You would; yes," and Senator Raines significantly, and there was a laugh at Senator Foley's expense.

Then Senator Raines took hold gingerly of the Senator Foley's expense.

Then Senator Raines took hold gingerly of the Subject of his recent remarks in criticism of the New York police force.

"Now, I suppose," he said, "that you have found people attempting to sell without any license. I suppose you found that under the old law, and that under that law they had protection from some source or other—"

is w, and that under that law they had protection from some source or other."

"Not so much that," interrupted Mr. Roosevelt, fishing out some papers and rusaling them ominously, "as that people with licenses were permitted to do litegal acts."

Q.—Uniter this law, so long as a man conforms to it, is he safe from blackmail? A.—Absolutely, Q.—If he oversteps it he offers an opportunity for blackmail? A.—Just like every other law-breaker.

caker. Senator Raines then adduced figures to show at there were nearly 8,000 places in the State bich had paid the Federal tax, but not the



It's hard work-to convince some, but our "money back or a year's guarantee" absolutely protects you. We would do more if

we knew how. Special sale of Livingston worsteds and Scotch cheviots. Suit to order, \$16.00. Trousers,

Imported drape, for full dress or Tuxedo suits, silk lined throughout, \$30.00.

Inverness overcoats, silked lined throughout, to order, \$20.00. Our \$18.00 kersey overcoats, satin or wool lined, are worth double.

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definite information after further inquiry," augested the Senator.

"All right," said Mr. Roosevelt, "but I can assure you I am prepared to stand right up to my published explanation of that matter."

Mr. Roosevelt said he appreciated strongly the good side of having licenses issued without discretion, but it resulted in permitting the licensing of notoriously disorderly places. He was aware that there were other laws relating to disorderly houses, but the difficulty was to secure convictions. It was far easier, by the exercise of discretionary power, to prevent disorderly places from springing up than to get convictions.

Q.—You recognize that this law attempts to regulate by law instead of by discretion. Do you think that a proper manner? A.—That's a hard question to answer. I haven't a doubt this bill does away very markedly with corruption connected with the granting of licenses, but there ought to be some way to prevent the granting of licenses to houses known to be disorderly.

O.—Wouldn't you think it easier to get condefinite information after further inquiry,

granting of licenses to houses known to be disorderly.

Q.—Wouldn't you think it easier to get convictions where the sentiment of the community favored the suppression of the violations than elsewhere? A.—Yes; and the tendency of my experience is to give me an abhorrence of the overwrought sentimentality which leads to symmathy with the lawbreakers, whether the rioter, the assassin, or the disorderly house.

Q.—And that sentiment makes the enforcement of this law more difficult? A.—Unquestionably. The most difficult laws to enforce are those against the liquor traffic and disorderly houses. The people are unanimous about laws against theft.

Q.—That sentiment seems to influence the executive and judicial power? A.—The judicial, but in this case not the executive.

"Well, I don't know," said Senator Raines.
"It is possible that some part of the police force—not the heads of the department, of course, but some of the officers, you know—don't you think?"

"There are 4.000 men on the police force." re-

city 1,100 fase citos. He said he would recom-mend an amendment requiring applicants for liquor tax certificates to apply first to the Chief of Police, in order to prevent undesirable per-sons from getting certificates. The Rev. A. P. Doyle of the Paulist's Church testified that he had watched the workings of the law very ciosely. closely.
"It is my firm conviction," he said, "that formkenness has been very largely increased drunkenness has been very largely increased through the opening of saloons on Sunday. This has been accompanied by a large increase of beneficiaries on our rolls, of children in tenement houses who are unable to attend school because of insufficient ciothing, of drunken broils to settle, and of complaints from mothers of families.

of families."

Q.—Are you aware that there has been a reduction of 2,000 in the number of places licensed? A.—I wouldn't know it from the amount of drunkenness.

Q.—Have you noticed that any places formerly open on Sunday are now closed? A.—All the places I've noticed that are open week days are also open Sunday.

Q.—You would naturally suppose that if there was an increase of drunkenness there would be

an increase of arrests? A.—Unless some legal technicality, or the difficulty of conviction, pre-

technicality, or the dimensity or conviction, prevented,
Q.—Is the increased drunkenness due largely
to the increase of hotels? A.—I should think
so. I also think that requiring a place where
liquor is soid to have bedrooms puts a premium
on their use for immoral purposes.
Q.—Isn't the fault with the interpretation of
the law, rather than with the law itself? A.—
As between the three branches, legislative,
executive, and judicial, it seems to me that the
fault is with the judicial.
Senator Ford—Isn't the increase of distress of
which you speak due to the protracted hard

Senator Ford Isn't the increase of distress of which you speak due to the protracted hard times? A.—No; while the old law was rigorously enforced there was marked decrease of drunkenness and an increase of properly clothed school children.

J. V. Dahlgren, attorney of the Building Department, was asked what provisions of the building law applied to hotels. He said there were a number of provisions in regard to making flee-proof or semi-tire-proof any buildings exceeding certain heights when changed into hotels. He said an incudental effect of the flaines law had been to increase the safety of the city, by creating so many hotels which had to be made fire-proof.

Senator Raines—Now, in regard to the city.

made fire-proof.
Senator Raines-Now, in regard to the partitions by which a large room is divided into ten small rooms. My attention has been called to a case. What's the baine of that place, Senator Foley—the Central Palace?

"My attention has not been called to any such violation," recited Senator Foley, with heat. "For your information, however, I can say that there is such a place as the Grand Central Palace."

"Well, it has been stated," said Senator.

Central Palace."
"Well, it has been stated," said Senator Raines, "that five rooms there have been made by putting up canvas partitions."
Mr. Dahigren didn't know anything about that, and senator Ford asked him how many taines haw hotes had been examined by building inspectors. Mr. Dahigren said some; not many.

ing Inspectors. Mr. Dahlgren said some: not many.

Senator Ford—Then the present Building law is not enforced in those cases? A.—Not in all of them. Our force is insufficient.

Q. If you had the force wouldn't there be an improvement in those hotels without changing the law? If the rooms were made out of one larse room, not opening on any hall, but into each other, couldn't their existence in that state, unit for human habitation, be prevented, if the laws regarding fire escapes were chorced? A.—Yes; it hick that is so.

Senator Higgins of Olean then undertook to demonstrate that the finding Department has plenty of force to examine the hotels.

Several of the city Magistrates will be examined by the committee, and it is expected that some of them will be on hand when the committee resumes its sessions at 11.30 o clock this morning. Each of the witnesses examined yesteroay was requested to submit at his convenience proposed amendments calculated to overcome the defects he pointed out, freedom which had paid the Federal tax, but not the state tax.

"In a short time," he said, in a conciliatory tone, "you will probably be able to tell how many of those places there are in your balliwisk." Yes, "aid Mr. Roosevelt, rattling his papers; I can give you an outline now."

"Oh, your will probably be able to give more gether in an orderly way.

ITALIAN CRUEL TO A HORSE BEATS THE BEAST WITH A 15-POUND Matthew Riley, ex-President of the Fleetwood Briving Association, and Editor Schreyel, Who Is a Bieyelist, Have Him Arrested-He Is Beld for Telal is \$500.

Matthew Riley, ex-President of the Fleetwood Driving Association and member of the manhattan Club, broke important business engagements yesterday and gave up three hours of his time to procure the punishment of an Italian for brutally beating a horse. He was effectually sided by George C. Schreyel, an enthusisetic wheelman, and editor of Gameland, a magazine of sports, and associate editor of the L. A. W. Bulletin. Mr. Riley, who lives at 1046 Madison avenue, jumped on the front platform of a Fourth avenue car at 10:30 o'clock to go down to his lawyer's office. As the car neared the Kni:kerbocker Athletic Club house at Madison avenue and Forty-first street it caught up with an Iron coal cart driven by Rosso Boaggao, who works for Donato Bitacela, a coal dealer at Forty-second street and Second avenue. The cart had a sliding carriage, and was loaded and drawn oy a thrifty looking bay horse. The horse stopped just as it reached the front of the club house,

and Mr. Ricey saw Boaggao jump off his seat, yank the bridle roughly, and yell at the horse. For some reason the horse did not start. The Italian yanked on! the iron crank bar used to raise the coal carriage and struck the horse on the head with it. The bar weighed about fifteen pounds, and the horse neighed in terror, but the Italian continued to belabor it unmerei-

The cardriver reined up his horses and shouted to the Italian to stop beating the horse, but Boaggao paid no attention to the cries. He struck the horse on the head again and the animal sank upon his knees, snorting with pain. Mr. Hiley jumped from the car platform and abouted to Boaggao to stop. The Italian scowled, swore at him in Italian, raised the bar and brought it down again on the horse's back.

Editor Schreyel turned the corner just as the

horse fell on his knees, and he ran across the avenue and begged the Italian to desist. None of the men on the car dared to go near the intricated Italian, armed as he was with the furiated Italian, armed as ne was with the big iron par.

"I'll find an officer and fix him," cried Editor Schreyel, and he ran around the corner and met Policeman William Howard of the Grand Central sub-station, who came up on a run, with his club drawn, and disarmed and arrested the Italian.

Mr. Riicy and Editor Schreyel accompanied the religious and ble arrigues to the Vorkyille.

Mr. Riley and Editor Schreyel accompanied the policeman and his prisoner to the Yorkville Court, where Mr. Itiley made a complaint of cruelty to animals against the prisoner.

"It is one of the most outraceous exhibitions of inhuman treatment of a horse that I ever witnessed," he said to Magistrate Crane.

"I want to say, Judge, that I love the Lorse because I know his lovable qualities, and I intend to see the brutal driver fitly punished. He beat the horse at least fifteen times with that heavy bar, and for no cause, suparently, excepting that the animal did not go fact enough with the load of coal. I have broken two important business engagements to come

that heavy bar, and for no cause, apparently, excepting that the animal did not go fast enough with the load of coal. I have broken two important business engagements to come here, but I would give up a week's time willingly to make an example of such a brute."

Editor Schreyel corroborated part of Mr. Riley's evidence, and the prisoner gave no excuse for his conduct.

"I am happy to see a horseman and a wheelman united in a good cause," said A.agistrate Crane, as he held Boaggao in \$500 bail to answer in Special Sessions. The Italian had nobody to give bonds for him, and he was locked up, in the Yorkville prison. His face wore a sullen scowl as the policeman led him away.

While waiting beside the Magistrate's deak for the arraignment of Boaggao, Mr. Riley listened to the complaint made by Mrs. Minnie Johnson against her husband for disorderly conduct. Mrs. Johnson was poorly dressed and hugged a baby to her bosom. She charged that her husband not only ill-treated her, but refused to contribute anything to the support of herself or her baby. Toars rolled down her cheeks as she told her story, and her languawe was pathetic in its simplicity and evident sincerity. She said that she had no money to buy food.

"By Jove," cried Mr. Riley, gazing at the woman, sympathetically, "this is a sad case." He but his hand in his pocket, pulled out a crisp \$5 bill from a little roll, and handed it to the woman.

"The Court agrees with you," said Magistrate Crane, and he took a \$2 bill out of his pocket and handed it to Mrs. Johnson. The woman was unverpared for this sort of treatment. She wept more than ever, and thanked both men in a voice broken with smotion.

"As for you," said the Magistrate, severely, addressing Johnson, who stood at the bar hanging his head, "you go to the work-house."

"That serves him right," said Mr. Riley.
"That serves him right," said Mr. Riley.

o'clock, when they reached the Franklin street exit they found the door locked. Both were without keys, so they decided to avail them selves of the back stairway in order to reach the first floor.

From that landing they opened a window facing on the alley running from Franklin street to Waiker street. They lostly called to some clerks at work in a business house facing on firoadwar which extends to Cortiandfailey, explaining their predicament as best they could under the trying circumstances. They asked that some one be sent around the corner to the new engine house at Elm and White streets for a ladder, as the distance from the first floor to the roadway was too great for any ordinary man to jump.

With the ladder came the police, and when the detained journalists were safely landed the bluecoats insisted that they must go to the Elizabeth atreet station.

At the station house the prisoners presented checks signed by the publishers and mail matter showing that they were authorized to be in the building. They were paroled finally.

SORDID ILLS OF MATRIMONY.

A Williamsburgh Illustration of the Cause of Intelligent Minogumy. Soon after Mr. Thomas Morrison, a war vet-

eran, of 108 Debevoise street, Williamsburgh, married a buxom widow about his own age. two years ago, he discovered that he couldn't live happily with her unless he helped her do the family washing. Morrison gets a quarterly pension of \$36. He nelped his wife along until, t is said, the whole washing devolved upon him. Mrs. Morrison simply hung out the lines. She found fault with Morrison's method of She found fault with Morrison's method of wringing the linen two weeks ago, and, after a quarret. Morrison left her.

She obtained a warrant against him on the charge of alandonment. When Morrison was arraigned in the Ewen Street Police Court yesterday he told Justice Lemon that he did all that was possible to make his wife happy and for a long time didn't mind helping her do the family washing. Morrison said that on the day he separated from her she put him out after obtaining his quarterly pension from him. Mrs. Morrison denies her husband's story and said he deliberately left her. Justice Lemon ordered Morrison to pay his wife \$2 a week.

TO IMPROVE BROOKLYN ARMORIES

Drill Hall Awarded Kesterday.

The State Armory Commission met yesterday at the State Arsenal, Thirty-fifth street and Seventh avenue, and awarded the contract for building the new drill hall for the Forty-seventh Regiment Armory in Brooklyn to B. J. Bussman of Jamaica, L. I., for \$148,000. The amount

of the appropriation for the work is \$150,000. The new drill hall will be built in the rear of the present armory at Marcy avenue and Hayward street. Cot. Eddy of the Forty-seventh Regimelt, who was in waiting on the Commission, said that the regiment had grown from 400 to 2,000 men since the armory was built in 1882. The Commission also adopted the mans prepared by Architect Isaac J. Perry for the proposed improvements to the Twenty-third Regiment Armory in Brooklyn, for which \$15,000 had been appropriated; and the plans for a new State Armory at Ordensburg. N. Y., for the Fortieth Separate Company, for which \$40,000 had been appropriated. of the appropriation for the work is \$150,000.

Dancing in the Bedford Avenue Armory. The council of officers of the Twenty-third Regiment has decided that no dancing will be allowed in the Bedford Avenue Armory in hypokiya after military reviews and drilla, and that it will only be permissible after regular concerns.

Dress Goods for the Holidays.

Colored Dress Goods-plain and fancy weaves,-

> \$1.50 to \$8.75 per dress length. Black Dress Goods, \$3.00 to \$6.00 per dress length.

Cotton Dress Goods, French Percale,

Scotch Gingham, Domestic Cambric and Seersucker,

\$1.25 to \$3.00 per dress length.

Lord & Taylor, Broadway & 20th St.

MRS. M'KIM CONTRADICTED.

The Spitzers Put in Affidavits in the Di-vorce Case-M'Kim's Statement.

Annie M. L. Spitzer of 1351 Franklin avenue, named as co-respondent in the complaint in the divorce suit brought by Eliza J. McKim gainst Charles J. McKim, put in before Justice Smyth yesterday an affidavit saying the allegations contained in the complaint where-in the deponent's chastity is impugned are wholly and scandalously false. The defendant, McKim, is a personal friend of depenent's husband, and resides with deponent and her husband, with the said husband's knowledge, and, in fact, by his wishes alone. Deponent has never been guilty of improper conduct with this defendant or any other peron, and is a woman of pure and stainless character, and bears a good name in the com-

character, and bears a good name in the community wherein she resides.

Her busband, Oscar L. Spitzer, makes a similar affidavit.

"Mcklim was a friend of mine when I needed one." said Mr. Spitzer to a reporter, "and now that he is penniless and needs a friend, I mean to be one to him. I was told plainly that if I turned Mcklim out of my house my name and that of my wife would not be brought into this affair. I refused, and this is the result."

brought into this affair. I refused, and this is the risult."

Mr. McKim brings cross charges against his wife. He also states that it was not for an assault on his father-in-law that he was held under bonds to keep the beace, but because several weeks ago, when he went to his wife's place of abode and found it locked, he raised a row after he found a strange man coming out of the flat. McKim also denies that worry over his daughter's troubles caused the death of his father-in-law, and says that Mr. Allen, his wife's father, died of gangrene of the leg.

KILLED BY A HORSE.

by a Fore Hoof.

William Sweeney, a shoemaker, who lived at 44 Fourth street, Newark, died in the City Hospital there at 2 o'clock yesterday from the result of a kick in the abdomen delivered by a horse. Sweeney strolled into the stable of Regan Bros,' feed store at 343 Halsey street on Monday evening to look at the horses. He was not known to anybody there, and nothing was said to him by anybody in the stable. He seemed interested in a work horse which one of the stable men led out in order to give it a the stable men led out in order to give it a drink of water. As the horse massed Sweener it reared and struck him in the abdomen with one of its fore feet.

The man who was leading the horse did not know that the animal had struck Sweener until another stableman called his attention to him as he lay writhing on the floor. As they approached him he became unconscious. An ambulance was sent for, and he was removed to the hospital, where an examination

True and Fleetwood Lineau, both of whom are employed by the Cluros Publishing Company of 54 and 56 Franklin street, for having been locked in the office of the Dry Goods Chronicls when it closed. The Chronicls building is locked at 5 P. M. on Saturdays, but these young journalists forget the time, and at about 5:30 clock, when they reached the Franklin street exit they found the door locked. Both were without keys, so they decided to avail themselves of the back stairway in order to reach the seven of the back stairway in order to reach the seven of the back stairway in order to reach the seven of the back stairway in order to reach the seven of the back stairway in order to reach the seven of the back stairway in order to reach the seven of the back stairway in order to reach the seven of the back stairway in order to reach the seven of the back stairway in order to reach the seven of the back stairway in order to reach the seven of the back stairway in order to reach the seven of the seven of the seven order to reach the seven of the seven of the seven order to reach the seven of the seven of the seven order to reach the seven of the seven order to reach the seven of the seven of

eral years.

Mr. Regan said yesterday afternoon that Sweeney was kicked by a docide mare which he has had over a year, and has worked every day. He felt sure that the kick was delivered in play.

GEN. COLLIS GOING TO EUROPE. To Meet Mrs. Collin There and Bring He Gen. C. H. T. Collis, the Commissioner of Pub-

lic Works, is on the passenger list of the steamship St. Paul, which sails to-day for Southamp ton. A Sun reporter asked him the purpose of

"Oh, for fun," he said at first.

"Is there any public business connected with it?" asked the reporter. "There might be," said the General, and he "There might be," said the General, and he declined to say anything more.

Friends of the General who are in the city service said that he was going to meet Mrs. Collis, who has been travelling in Europe and Russia for nearly a year. They said that so far as they knew this was the sole purpose of his trip, and there was no public bushess connected with it. The Commissioner expects to get home on Dec. 26, so he will have only ten days or so on the other side. on the other side.

Trolley Car Berailed Going Down Hill, A car of the Union Trolley Railway, while oing down the steep grade on Boston avenue hill yesterday morning, left the track and crashed into a pillar of the clevated railroad at the junction of Third avenue, smashing the front platform. The force of the collision caused the rear end of the car to swing violently around and crash against the next pitlar. Both platforms of the car were emashed, and nearly every pane of glass in it was broken. No one on board was materially injured.

Kennedy Cortlands

SPECIAL GLOVE OFFERING. Reindeer, full outscan 98c.; worth \$1.50. Beindeer, fleece lined, use.; worth \$1.50.

Cheverette, pique, 98c.; worth \$1.50. Cheverette, fleece lined, 98c.; worth \$1.50. Heavy Cape Goat, full outseau, \$1.39. Heavy Cape Goat, fleece lined. \$1.30. Fully equal to the English gloves sold at \$1.75. White Kid Gloves for evening wear, 95e, and \$1.39.

\$5.00 Shoes at \$3.08 pair. French Calf (hand welt) leather lined, newest styles of toe, \$3.98 patr. Men's Hats.



Men's Shoes.

proposed, should be held on the following Fri-day. Hefore a vote could be taken a man in the back of the ball shouted:

"Mr. Presidint, Fill be after calling attintion to the fact that the hifts of the Democratic party don't are mate on a Friday."

A Democratic barbecue may be held without any such objections three weeks from next Fri-day. That being Christmas Day, the eating of meat is permitted, as the festival is held superior to the day of abstinence. for Derbys and Alpines that can't be bought elsewhere Franklin Fort Made Judge. at less than \$3.00 and \$4.00. Imported Golf Caps, 50c. THENTON, N. J., Dec. 1.-Gov. Griggs bas appointed J. Franklin Fort of East Orange as Law bilk Hata, \$3.90, [\$4.50, Judge of Essex county, vice Judge Andrew Kirkpatrick recently appointed by President Cleveland as United States District Court Judge for the Patrict of New Jersey.

RARE BOOKS SELL WELL. GOOD PRICES YESIERDAY AT THE SEWALL SALE.

Jonsons, Lambe, and Militans Bid Up by Enger Collectors A First Edition of "Paradist Lost," with first Title, Brings 8395, the Fancy Price of the Day. There are many evidences in the catalogue's descriptions of the Sewall books that the owner himself wrote most of them. Who but the owner would dare to make such comments as these: "A fine copy. The title has been ex-tended to match the other leaves, and a modern wood-cut copy of the portrait inserted;" "facsimile title and some headlines cut, Part II. lacks title, but otherwise in fine condition;" "tall copy, but last five leaves repaired in lower margins, several ink spots, title soiled, writing on back of title leaf, &c. &c., otherwise a per-

fect copy." These may be honest descriptions, but it is remarkable that any collector should be so coamored of his own wares as to think that such imperfections are slight and do not make much difference after all, when in London an extra inch of margin may make an increase of \$1,000 in a copy of the first folio Shakespears, or \$1,000 the other way if the Droushout portrait is in fac-simile. Collectors are learning very rapidly that the price paid for rare books is not as important as their condition. Mr. Foote, for example, was most particular about the condition of his books, and when they were sold there were many instances where they fetched the highest price on record. As an example, his copy of "Robinson Crusoe" cost him in the neighborhood of \$100. It fetched \$315 at his sale, and a recent London catalogue advertises a copy at £105.

The principal interest in the sessions yester day centred around the Jonsons, Lamba, and Miltons, the "Essays of Elia," London, 1823-1833, fetching \$28, and "Paradise Lost," London, 1667, first edition with first title, bringing Appended are the principal prices realized at the afternoon and evening sessions: the afternoon and evening sessions:

Johnson's "Vanity of Human Wishes," first edition,
London, 1741; bought by George D. Smith, \$10.

Johnson's "Rasselas, "first edition, 2 vols., London,
1759; beingth by George D. Smith, \$23.00.

Johnson's "Rasselas, "first edition, London, 1769;
bought by George D. Smith, \$23.00.

Johnson's "frene," first edition, London, 1769;
bought by Mr. Havens, \$9.

Jonson-His Part of the Entertainment of King
James through London, March 16, 1893, London,
1804, Bought by George D. Smith, \$8.50.

Jonson-Works, First edition, London, 1816,
Bought by Mr. Underwood, \$10.

Jonson's Entire Works, Second edition (two volunges, London, 1640, Bought by Mr. Underwood, \$21,
1968-8178, New England's Fartilies, by W. Pratt,
London, 1672, Bought by Mr. Hecksher, \$23,
1968-8178 Account of Two Vovages to New England, (Reprint) London, 1674, Bought by Mr.

Jonsoly's Account of Two Vovages to New England, (Reprint) London, 1674, Bought by Mr.

Morris, \$18,
Justinianus, Institutionum libri IV cum glossia,
Venetils, 1481, (Sunderland copy.) Bought by "City,"

\$12.00.

Justinus, Historici Clarissimi in Trogi Pompeti

AFTER THE BEAR SHOOTERS.

and Will Prosecute Them.

ENGINE OFF THE TRACK.

A Mishap on the Coney Island Branch of the Bracklyn Elevated,

The engine attached to a train on the Coney Island branch of the Brooklyn Elevated Rail-road, on returning from the island yesterday

morning, jumped the track in Sixth avenue and Thirty-sixth street, where the ascent to the ele-

Thirty-sixth affect, where the ascent to the clo-vated structure begins. The accident was caused through the spreading of the rails. After running along the ties for thirty feet the angle broke is coupling and stick in the mud. Engineer Frank Kelly was thrown off, but re-ceived no injuries. The shock was so slight that most of the massengers were not aware that any mishap had occurred. The damage to the en-gine amounted to \$350.

When a Barbecue May Be Held on Friday.

Once at a Democratic meeting in Brooklyn

some one moved that a barbecue, which was

proposed, should be held on the following Fri-

which all of the other Judges concur. Judge Andrews says: "I am of the opinion that the right reserved to apply to the court or a judge to allow an appeal was intended primarily to provide for exceptional cases where public interests or the interest of jurisprudence might be endangered by permitting a decision to go unchallenged, and that the questions to be considered by the court or judge to whom the application is made are, first, whether, in his or its judgment, there is reason to believe that some material error is disclosed by the record; and, second, if so, whether it is of sufficient importance to require the general principle of finality appertaining to the decisions of the Appellate Division to be disregarded in the particular case by the allowance of another appeal. In my judgment the mere existence of errors in rulings on the trial, to the prejudice of the appellant, does not alone warrant the granting of a certificate. Where the questions have a public sapect, then different considerations apply, I can very well understand that where the supposed error relates to a question of constitutional law, or the construction of a statute, or where the point is one upon which there is a conflict of decisions between different appellate divisions, or where it relates to a principle of law or a question of evidence, which, if permitted to pass uncorrected, will be likely to introduce confusion into the body of the law from the frequent recurrence of occasions where the same questions will come up, that in these, and, perhaps, similar cases, the public interests, and the interests of jurisprudence, would justify, and, perhaps, require, the granting of a certificate. But without uncertaking to anticipate all the cases where this nower should be exercised. I deny the present applications, on the ground that, assuming that errors may have been committed in the respects pointed out on the briefs, they are not such as in my opinion, 'ought to be reviewed' by the Court of Appeals, because they effect at most only the parties to the respective litting above stated, and that the mere fact that the Appellate Division may have erred (which I do not decide is not alone a sufficient reason for taking from these co \$12.50.

Statinus. Historici Clarissimi in Trogi Pompeti bistorias exordium. Medioiani, 1476. (Sunderland copy.) Bought by "City." \$32.

Justinus. Historici in Trogi Pompeti. (Prom Sunderland library.) Venetils, 1479. Bought by "City." ceptional cases where public interests or the interest of jurisprudence might be endangered by \$20, Juvenails. Satyrm cum comment. Calderini. (From Sunderland library.) Mediciani, 1685. Bought by "City." \$22.50. Juvenails et Fersius, by Charles Smith. (One of the first books printed in Italian style of type. Sunder-land copy.) Venetils, 1301. Bought by Col. Bawkins, \$07. first books printed in italian style of type. Sunderiand copy.) Venetiis, 1501. Bought by Col. Hawkins,
\$07.

Keata's Endymion. First edition. London, 1518.
Bought by A. J. Parsons. \$25.

Kemple's De Imitatione Christi, by R. W. Smith.
Venetia, 1488. Bought by "City." \$16.

The Tears of the Muses, written upon the death of
Henry Lord Hastings. First edition. London, 1630.
Bought by Mr. Norus. \$70.

Lactantius. Opera. (Sunderland copy.) Roma, 1474.
Bought by "City." \$25.

Lactantius. De Divinis Institutionibus Adversus
Gentes. (Sunderland copy.) Venetiis, 1490. Bought by
"City." \$21.

La Fontaine's Contes et Nouvelles, 2 vols. By
Cutin. (Famous Farmer-General edition.) Amsterdam, 1782. Bought by George D. Smith, \$98.

La Fontaine's Contes et Nouvelles, 2 vols. Amsterdam, 1782. Bought by George D. Smith, \$98.

La Fontaine's Fables Choises. 6 vols. Paris, 1765-78.
Bought by Mr. Konaventure, \$18.

Lambie John Woodvik. First edition. By R. W.
Smith. London, 1802. Bought by Mr. Green, \$28.

Lambie John Woodvik. First edition. 2

vols. London, 1823-53. Bought by Mr. Green, \$28.

Lambie Ella, and Album Verees. First edition. 2

vols. London, 1823-53. Bought by Mr. Green, \$28.

Lambie Ella, and Album Verees. First edition. 2

vols. London, 1823-53. Bought by Mr. Green, \$28.

Lambie Ella, and Album Verees. Pirst edition. 2

vols. London, 1824-53. Bought by Mr. Green, \$28.

Lambie Ella, and Album Verees. Pirst edition. 2

vols. London, 1824-53. Bought by Mr. Green, \$28.

Lambie Ella, and Album Verees. Pirst edition. 2

vols. London, 1824-53. Bought by Mr. Green, \$28.

Lambie Ella, and Album Verees. Pirst edition. 8

vols. London, 1824-53. Bought by Mr. Green, \$28.

Lambie Ella, and Album Verees. Pirst edition. 8

vols. London, 1824-53. Bought by Mr. Swall, \$35.50.

Lossing's Hudson, from the Wilderness to the Bea

Extra-villustrated. Extended to three volumes. By R. W.

Smith, New York, 1996. Bought by Mr. Swall, \$35.50.

Lovelnce's Lucasta, &c. London, 1040. Bought by

George II. Smith. 5177.

W. Smith, New York, 1996. Bought by Mr. Sewall, \$20.50.
Lovelnce's Lucasta, &c. London, 1840. Bought by George B. Smith, \$117.
Lucanus. Pharasita, curn vita. Rome, about 1470. Bought by George B. Smith, \$117.
Lucanus. Pharasita, curn vita. Rome, about 1470. Bought by "City." \$24.
Maberly's Print Collector. First edition. London, 1844. Bought by Mr. Charles, \$31.
Maberly's Print Collector. Extra illustrated. London, 1844. Bought by Mr. Charles, \$31.
Maberly's Print Collector. Extra illustrated. Extended to 2 volumes. New York, 1880. Bought by George B. Smith, \$10.
Martialis. Opera. Engrammata. Mediciant, 1478. Bought by City. \$29.
Martialis. Opera. Engrammata. Mediciant, 1478. Bought by City. \$29.
Martialis. Opera commentaria Calderini. (From Substeviand ilbrary.) Venetia, 1480. Bought by City. \$29.
Martialis. Prevails of Literature. Sixteenth edition. Extra illustrated, two volumes, by R. W. Smith. 248.
Mathnas Pursuits of Literature. Sixteenth edition. Extra illustrated, extended to two volumes. London, 1812. Bought by J. 60.
Mathnas Pursuits of Literature. Sixteenth edition. Extra illustrated, extended to two volumes. London, 1812. Nogight by George B. Smith, \$48.
Milton's Paradise Lost. First Edition, with the fourth title page. Combon, 1698. Bought by George B. Smith, \$48.
Milton's Paradise Lost. First Edition, with the events title page. London, 1698. Bought by George B. Smith, \$48.
Smith, \$48.
Smith, \$48.

FATERWEATHER WILL CASE, Argument Begun Yesterday in the Court of Appeals, ALBANY, Dec. 1 .- The fight over the Fayer-

weather will, which came up to-day in the Court of Appeals, involves more than \$2,500,-000. Daniel B. Fayerweather, a wealthy lumber merchant of New York city, left \$5,000,000. Before the argument was begun there was for Magistrates. The first Parte contayning for Magistrates, The first Parte contayning and the first unfortunate Princes of this some discussion as to how much time should be allowed the numerous interests represented. allowed the numerous interests represented. The Court said that the arguments could proceed on the assumption that they would be concluded in six hours. If more time was needed it would be granted. Such a number of distinguished inwises has not congregated in many years in the Court of Appeals. Those for the appellants were James C. Carter and S. H. Brownell, for the dones under the deed of gilt made by the executors; Col. Edward C. James and William Blaikie, for the widows, executors, and next of kin; C. N. Bovie, Jr., and Genter and College; Alfred W. Kindle, It is an examination be had made of Philome Barberia were; James I. Hishop, for Amherst College; Morace Russell, for Dartmouth College; Miram B. Putting W. Cooke, for the Rochester University, Elinu Roug, for Hamilton College; Alfred W. Kiddle, for the Northwestern University, and William B. Hornblower and Howard A. Taylor, for the Lincoln University.

Col. Edward C. James opened the argument for the appellants at 10:15 o'clock, It is expected that the arguments will not be finished before Thursday. London, 1573. Hought by George D. 50.

100 Part of the Mirrour for Magistrates.

178. Hought by Dodd. Nead & Co., \$70.

178. Haught are The Last parte. London,

178. Haught are The Last parte. London,

178. Haught are 182.

180. Lawria London, 1590.

180. Hauptons library. Bought by J. O.

181. Lawria London, 1590.

181. Lawria London, 1590.

181. Lawria London, 1590. Darles, \$25. Frinted on veilum. Paris, 1489. Bought Darles, \$25. Frinted on veilum. Paris, 1505. Bought Darles, \$45. to Mr. Charles, \$40.

Mrs. Charles, \$40.

The Hudson County Bergh Society Sues George M. McCarthy, President of the Hudson

ounty, N. J., S. P. C. A., has taken the in-THE GENTLE ART OF PERSUASION. tiatory steps toward trying to punish the men who were concerned in the killing of two tame Clark Re-enforced It with a Revolver and Went to dail. and half-starved bears in the Union Hill Schutzen Park on Monlay afternoon. Mr. Mc-George Clark of 200 Franklin avenue was Carthy went before Justice of the Peace Weed vesterday afternoon and made a complaint against Henry Hencken and Emil Lattenian. proprietors of the park, and Frederick Baar,

brought before Police Justice Tighe in the Butler Street Court in Brooklyn yesterday to explain why he had brandished a re-volver before Mrs. Anna Smith, in Willoughby and Carlion avenues, the previous night. He said that he was anxious to induce Mrs. Smith to live with him, as her husband did not treat her properly, but that he merely drew the revolver in a joke. He was sent to jali for ten days. the saloon keeper at Lexington avenue and Twenty-fifth street, this city, who shot one of the bears, for cruelty to animals. The com-plaint is made in a civil suit to recover the pen-alty prescribed by law, which is \$100 for each defendant. defendant.

Mr. McCarthy will also prosecute the alleged offenders criminally. He proposes to go before the Grand Jury and try to have everybody concerned in the aftair indicted. He had Baar, who shot the first bear, arrested at the time by Special Agent Capp of the S. P. C. A., but Capp allowed the prisoner to escape. Judge Weed issued summonses requiring Hencken, Latteman, and Haar to appear and defend the suit which Mr. McCarthy has instituted. French Editor on Irish Freedom,

P. J. P. Tynan, who recently returned to this city from France, where he was imprisoned a while at the instigation of the English police as a dynamite plotter, has received a letter from M. Millieweye, editor of La Patrice, Paris, saying; "The ultimate union of Ireland and France, consecrated in history by so many heroic acts accomplished in common, is again to-day a great and consoling truth. The deliverance of your country is one of the most ardent desires of our hearts. The hour destined by God for the triumph of your sacred cause will have the support and warm wishes of all the patriots of France." while at the instigntion of the English police as

PROSTATE GLAND.

Dr. H. Kane's valuable lectures on scases of the BLADDER, PROSTATE AND, Varicocele, Hydrocele, Lost Pow-GLAND, Varicocele, Hydrocele, Lost Powers, &c., and their positive cure without outting, mailed SEALED to any address ONSULTATION FREE.

Reference by permission to the following gentlemen:

Dr. H. H. KANE, 188 West 34th St.

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two ounce bag, and two

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this celebrated tobacco

and read the coupon-

which gives a list of val-

uable presents and how

to get them.

A LIMIT TO APPEALS.

Important Decision Handed Down by the

Court of Appeals.

ALBANY, Dec. 1.—A decision of interest to every lawyer and thousands of litigants in the State was handed down by the Court of Appeals

o-day. In a measure the decision determines

what appeals from decisions of the Appellate

Division of the Supreme Court will be heard

by the Court of Appeals. Applications had been made to the Court of Appeals to hear appeals

from decisions of the General Term in the cases

of Sciolina vs. the Eric Preserving Company;

Stiver vs. the New York Central Railroad Company, and Niendorff vs. the Manhattan Railway Company. The court handed down a de-

cision to-day denying the applications, and

Chief Judge Andrews writes the opinion, in

Genuine Tobacco a la contrata de la composición de la c

AGAINST ABP. CORRIGAN.

Lots Deeded to the Church by Mrs. Davy Revert to Her Heirs.

The Court of Appeals has affirmed the deciion of Justice Lawrence at Special Term by which Archbishop Corrigan as the representative of the Catholic Church of this diocese is deprived of thirty-two lots at 156th street, near Boston avenue, for failure to perform a tion on which the lots were given to the church. The lots are worth about \$60,600.

The judgment is recovered in an action brought by Mary T. Upington, wife of George brought by Mary T. Upington, wife of George P. Upington, at one time a lottery and policy dealer of this city. The thirty-two lots in the present action were turned over to Archbishop Hughes by Mary McDonough Davy in 1862 by a deed, in which it was provided that the preperty should be consecrated to the Church and a church erected upon it within a reasonable time. Twenty-nine years later, and after this action was begun, a frame structure called Bt. Peter's Church was erected upon the property. Mrs. Upington, as one of the heirs of Mrs. Davy, is entitled to half of the property. Louisa J. Pooler, who is said to be entitled to the other half, would not sue and was made a defendant by Mrs. Upington. The case was first tried before Justice Patterson, who dismissed it, but the General Term ordered the new trial, at which Justice Lawrence gave judgment for Mrs. Upington.

The church sought to justify its delay in performing the "condition subsequent" by saying that sewers had not been built through the streets bounding the property, and that funds could not be raised from the people in that neighborhood for the church until it was built. It is held that these excuses did not justify the delay in performing the conditions that went with the land, and that twent-nine years is beyond what was intended by a reasonable time in the deed.

ASSORTED WHITELEGGES.

One Batch at Law with Another Over the Divorce Lawyer's Estate.

Mrs. Margaratha Emma Evangeline Shum way, wife of Henry C. Shumway of 86 Clinton street, Jersey City, and her brother Thomas Whitelegge have brought an action in the Supreme Court to have it declared that they are entitled to four pieces of property in the upper part of the city which was owned by the late divorce lawyer James Henry Whitelegge. They also ask that another set of children by an alleged other wife of Whitelegge and all other persons be enjoined from interfering with the property, pending the suit. The children whom the plaintiffs specifically want children whom the plaintiffs specifically want enjoined are Albert T. F. Whitelegge, Edith M. Whitelegge, and Mrs. Henrietta Duffy, ohlidren of the lawyer by Mrs. Marietta Whitelegge. The plaintiffs are the children of Prudence Whitelegge of England. Whitelegge was originally a blacksmith in England. It is said that he cloped to this country with a schoolgirl, leaving Prudence, and during the seven years he lived with this girl he studied law. His son James is a letter carrier in Jersey City, it is said. About 1866 the lawyer began to live with Marietta Lozier, for whom he had got a divorce from her husband, Abraham Lozier, who is still living in Paterson, N. J. They lived together until about four years ago, most of the time at a house of Whitelegge's at Fordham, which is one of the houses involved in the present suit. Marietta sued for a separation and subsequently for a divorce, declaring that Whitelegge was intimate with a Mrs. Currie, who had been his typewriter. It was said that he subsequently married Mrs. Currie.

Besides the present action there is a dispute in the Surrogate's Court as to who should be appointed administratrix of his estate.

ONE EXPERT FOR MARIA BARBERI.

Angelo Piscopo, who lived in the same house with Maria and Cataldo, told how she had falien in a fit in the hall two weeks prior to the murder. Piscope imitated the fit. He stood up and dropped back into the witness chair with his legs and arms extended and his head thrown

back.

Mrs. John A. Foster, known as the Tombs missionary, testified that when she spoke to Maria about the murder Maria always insisted that she didn't remember anything about "I'm not a missionary," Mrs. Foster replied to a question of Mr. McIntyre. "I'm simply one woman trying to help others to the best of my ability."

GREATER NEW YORK CHARTER

To Be Referred to the Special Committee, Which Is to Begin Work on Jan. 6, ALBANY, Dec. 1 .- " The special Greater New York committee appointed by the Senate lass winter will not meet to take up the consideration of the Greater New York question before the Legislature convenes on Jan. 6 next." This was the statement made to-day by Senator Clarence Lexow of Nyaes, who is Chairman of the special committee. Senator Lexow said:
"I stated at the time the committee was a
pointed that there would be no action by us u
less an emergency should arise. The work
the Greater New York Commission has show

that it is abundantly able to cope with this sub-ject and there seems to be no reason for our committee's holding any special meetings."

It is understood that when the Greater New York charter is introduced in the Legislature is will be referred to the Greater New York special committee instead of being sent to the Cities Committee. Committee.

PAWN TICKETS FOR DIAMONDS Will They Reveal the Whereaboute of

Property Stolen by Beanaker! Lawyer Samuel S. Hotchkiss of 150 Nassau street went to Hoboken yesterday and secured a search warrant to search the rooms occupied by Mrs. John Dennaker at 220 Park avenue, in that city. Mrs. Dennaker's husband was convicted of grand larceny in the General Sesconvicted of grand larceny in the General Sesaions Court in this city recently, and is now under a sentence of nine years' imprisonment. He
formerly conducted a jewelry business on
Washington street, Hoboken, and succeeded in
swindling a number of New York dealers who
sold him goods.
Hotchkies, who is counsel for the dealers, expected to flud some of the jewelry in Mrs. Dennaker's apartments. He went there with Defective Quinu, and found forty-seven pawn
tickets, representing diamends and jewelry
valued at over \$2,000. He took the tickets away
with him,

FLINT'S FINE FURNITURE. Select early, dainty bits for Christmas gifts.